

Applicant: Rizoiu et al.  
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REMARKS

Upon the entering of this Amendment, claims 1-4, 6-15, 17-21, 23-28, 30, 32-35, 37-47, 53, 54 and 60-120 will be cancelled without prejudice, and claims 29-32, 48-52 and 55-59 will remain pending in the application.

All of the rejections set forth below in this paragraph are now moot: the objection to the drawings under 37 C.F.R. 1.83(a); the rejection of claim 39 under 35 U.S.C. 112, first paragraph; the rejection of claims 1-4, 6-15, 17-21, 23-28, 33-35, 37-47, 60-120 under 35 U.S.C. 112, second paragraph; the rejection of claims 37, 38 and 77-89 under 35 U.S.C. 103(a) as being unpatentable over WO '928 in view of Vassiliadis et al. (U.S. Patent No. 5,324,200); the rejection of claims 33-35, 60-76, 99-109 and 111-120 under 35 U.S.C. 103(a) as being unpatentable over WO '928 in combination with Rizoiu et al. (1994 "The Efficiency ...") and Sharon et al. (U.S. Patent No. 3,865,113); the rejection of claims 1-4, 8, 10-15, 17-21, 23-28, 39-47, 90-98 and 110 under 35 U.S.C. 103(a) as being unpatentable over WO '928 in combination with Rizoiu et al. (1994 "The Effect ...") and Sharon et al., and further in view of Fuller et al.; and the rejection of claims 6, 7 and 9 under 35 U.S.C. 103(a) as being unpatentable over WO '928 in combination with Rizoiu et al. (1994 "The Effect ..."), Sharon et al., and Fuller et al., and further in view of Itzkan.

Claims 29-32 and 48-59 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Regarding this rejection, the Examiner stated that the term "absorption" and the modification thereof is unclear. By stating that "it is unclear how they suddenly become 'not highly absorbed,'" the Examiner appears to categorize any claim "absorbed" term besides "highly absorbed" as indefinite. In response, Applicants have cancelled all "absorption" claims except those using the term "highly absorbed." Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. 112, second paragraph.

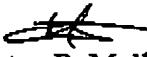
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Claims 29-32 and 48-59 remain rejected under 35 U.S.C. 103(a) as being unpatentable over WO '928 in view of Vassiliadis et al. (U.S. Patent No. 5,324,200). Of these rejected claims, only Claims 29 and 31, as amended to include claims 30 and 32, respectively, are independent. The Office Action pointed to various passages to hypothesize how the electromagnetically induced mechanical cutter of WO '928 might be used in conjunction with the Vassiliadis et al. laser. Even to the extent they both can be used to cut teeth, however, there still is no motivation to combine these two devices into a single procedure. Furthermore, even if hypothetically combinable, neither reference discloses any of the presently claimed combinations of steps including, among other things, the use of an anesthetic or vassal constrictor during an application of electromagnetic energy to a treatment area followed by another application of electromagnetic energy to the same area.

In view of the above, Applicants request that the outstanding rejections be reconsidered and withdrawn. Applicants respectfully submit that the application is now in condition for allowance, and an early indication of same is requested. The Examiner is invited to contact the undersigned with any questions.

Respectfully submitted,

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Kenton R. Mullins  
Attorney for Applicants  
Reg. No. 36,331

Stout, Uxa, Buyan & Mullins, LLP  
4 Venture, Suite 300  
Irvine, CA 92618  
Telephone: (949) 450-1750  
Facsimile: (949) 450-1764